

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Detroit District

FILE NUMBER: 04-144-018-0

Date: 6 Dec 2004

**PROJECT REVIEW/DETERMINATION
COMPLETED:**

**In the office
(Y/N)**

N

Date:

**At the project
site (Y/N)**

Y

Date: 13 Oct 2004

PROJECT LOCATION INFORMATION:

State: Indiana

County: Lagrange

Center coordinates of site by latitude & longitude
coordinates: lat: 41-39-52.6320
lon: 85-34-53.2560

Approximate size of site/property (including
uplands) in acres 17 acre

Name of waterway or watershed: 04050001-ST. JOSEPH

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?					X
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: **Preliminary** **Or Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Site Conditions: At the time of the site visit the site was an abandoned pasture dominated by a mix up upland and wetland grasses, thistle, and goldenrod.

Rationale to Determine No JD. There were two wetland areas on the site.

Wetland A was a closed depression on the site. No outlet to other waters could be documented. Further, county records were reviewed and it does not appear that a legal drain passes through this area. Since we could not document adjacency or other nexus to waters of the United States, this area was determined to be isolated.

Wetland B extended off-site. This wetland appeared to be adjacent to and contiguous with Cotton Lake Ditch.

No surface water connection could be documented between Wetland A and Wetland B.

Wetland ID	On-Site Acreage	Wetland Total Acreage	Isolated (Y/N)	Comments
A	0.48	0.48	Y	Hydrologically Isolated
B	0.52	Unknown	N	Adjacent to and Contiguous with Cotton Lake Ditch
Total Acreage	1.0 ac	Unknown		